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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
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14 **HINDU AMERICAN FOUNDATION, INC.,
15 a Florida Not-For-Profit Corporation;
16 SAMIR KALRA; MIHIR MÈGHANI;
17 SANGEETHA SHANKAR; DILIP AMIN,
SUNDAR IYER, RAMANA KOMPELLA
18 as individuals; and DOE PLAINTIFFS ONE
TO THREE,**

19 Plaintiffs,

20 v.
21 **KEVIN KISH, an individual, in his official
capacity as Director of the California Civil
Rights Department; and DOES 1-50,
22 inclusive,**

23 Defendants.
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2:22-CV-01656-DAD-JDP

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28 **REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF DEFENDANT'S MOTION
TO DISMISS FIRST AMENDED
COMPLAINT PURSUANT TO
YOUNGER ABSTENTION DOCTRINE,
RULE 12(b)(1), AND RULE 12(b)(6)**

Date: August 20, 2024
Time: 1:30 p.m.
Judge: Hon. Dale A. Drozd

Action Filed: September 20, 2022
First Am. Compl Filed: September 21, 2023

INTRODUCTION

Defendant Kevin Kish, in his official capacity as the Director of the California Civil Rights Department (the “Department”), respectfully requests that this Court take judicial notice of nine filings in the state court case cited by Plaintiffs in their First Amended Complaint (ECF No. 21 ¶ 58), in accordance with Federal Rule of Evidence 201 (“Rule 201”) and the doctrine of incorporation by reference. These filings, described below, are provided as Exhibits A-I to the concurrently filed Declaration of Carly J. Munson in Support of Motion to Dismiss First Amended Complaint and Request for Judicial Notice (“Munson Decl.”).

MATTERS TO BE NOTICED

Director Kish respectfully requests that this Court take judicial notice of the following documents:

1. **Exhibit A:** The Department's Motion for Leave to Amend First Amended Complaint and to File Second Amended Complaint, which was filed in Santa Clara County Superior Court in *CRD v. Cisco Systems, Inc.* (Case No. 20-cv-372366) on December 11, 2023. (Munson Decl. ¶ 10, Exh. A).

2. **Exhibit B:** The Santa Clara County Superior Court’s order granting the Department’s Motion for Leave to Amend First Amended Complaint and to File Second Amended Complaint, which was issued in the above-referenced matter on March 15, 2024. (Munson Decl. ¶ 10, Exh. B).

3. **Exhibit C:** The Department's operative Second Amended Complaint against Cisco Systems, Inc., which was filed in the above-referenced matter on March 18, 2024, and is referenced in Plaintiffs' First Amended Complaint (ECF No. 21 ¶ 58). (Munson Decl. ¶ 10, Exh. C).

4. **Exhibit D:** Plaintiff HAF's Reply in Support of HAF's Motion for Leave to Intervene, which was filed in the above-referenced matter on November 6, 2023. (Munson Decl. ¶ 11, Exh. D).

5. **Exhibit E:** The Santa Clara County Superior Court's order denying Plaintiff HAF's Motion for Leave to Intervene in *CRD v. Cisco*, which was issued in the above-referenced matter on January 31, 2024. (Munson Decl. ¶ 12, Exh. E).

6. **Exhibit F:** Plaintiff HAF's Notice of Appeal of the Superior Court's January 31, 2024 order denying its Motion for Leave to Intervene in *CRD v. Cisco*, which was filed in the above-referenced matter on March 29, 2024. (Munson Decl. ¶ 13, Exh. F).

7. **Exhibit G:** Plaintiff HAF's Abandonment of Appeal of the Superior Court's January 31, 2024 order denying its Motion for Leave to Intervene in *CRD v. Cisco*, which was filed in the above-referenced matter on May 1, 2024. (Munson Decl. ¶ 13, Exh. G).

8. **Exhibit H:** The Department's Request for Dismissal of Sundar Iyer and Ramana Kompella from *CRD v. Cisco* with prejudice, which was filed in the above-referenced matter on April 6, 2023. (Munson Decl. ¶ 14, Exh. H).

9. **Exhibit I:** Notice of Entry of Dismissal and Proof of Service, dismissing Mr. Iyer and Mr. Kompella from *CRD v. Cisco* with prejudice, which was filed in the above-referenced matter on April 11, 2023. (Munson Decl. ¶ 14, Exh. I).

LEGAL STANDARD

A court “must take judicial notice if a party requests it and the court is supplied with the necessary information.” Fed. R. Evid. 201(c)(2). This Court can judicially notice any “fact that is not subject to reasonable dispute because it . . . can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2). In other words, “the fact must be one that only an unreasonable person would insist on disputing.” *United States v. Jones*, 29 F.3d 1549, 1553 (11th Cir. 1994). Only relevant facts may be judicially noticed. *See Milton H. Greene Archives, Inc. v. Marilyn Monroe LLC*, 692 F.3d 983, 991 n.8 (9th Cir. 2012).

DISCUSSION

This Court may take judicial notice of related lawsuits. *In re Korean Air Lines Co., Ltd.*, 642 F.3d 685, 689, fn. 1 (9th Cir. 2011). Further, this Court may take judicial notice of court filings and other matters of public record. *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d

1 741, 746 n.6 (9th Cir. 2006). Under the doctrine of incorporation by reference, this Court may
2 also consider documents “whose contents are alleged in a complaint and whose authenticity no
3 party questions, but which are not physically attached to the pleading.” *Casault v. Fed. Nat.*
4 *Mortg. Ass’n*, 915 F. Supp. 2d 1113, 1120 (C.D. Cal. 2012) (citing *Branch v. Tunnell*, 14 F.3d
5 449, 454 (9th Cir. 1994)).

6 The Court should take judicial notice of the documents provided as Exhibits A-I because
7 they are filings in a related state court case (*CRD v. Cisco Systems, Inc.* (Case No. 20-cv-372366)
8 and are relevant to the legal grounds supporting Director Kish’s Motion to Dismiss Plaintiffs’
9 First Amended Complaint. For example, Plaintiffs HAF, Iyer, and Kompella’s asserted positions
10 in and connections to *CRD v. Cisco* as former proposed plaintiff-intervenor and defendants,
11 respectively, are directly relevant to issues raised in Director Kish’s Motion.

12 Moreover, Plaintiffs themselves have put the Department’s lawsuit against Cisco directly at
13 issue in the matter at hand. (*See* ECF No. 21, *passim*). Indeed, Plaintiffs explicitly reference
14 *CRD v. Cisco* in their First Amended Complaint (*id.* ¶ 58) and attached an earlier version of the
15 Department’s state court complaint against Cisco as an exhibit to its own lawsuit (*id.*, Exh. A).
16 And Plaintiffs seek a remedy from this Court with the apparent intent of affecting the course the
17 Department’s State Action, which is still pending in state court. (*Id.* at 35).

18 Accordingly, the state court filings listed above are both relevant and appropriate for this
19 Court’s judicial notice in accordance with Rule 201 and the doctrine of incorporation by
20 reference.

21 CONCLUSION

22 For the reasons stated herein, the Department’s request for judicial notice of the specified
23 filings in the related state court case, *CRD v. Cisco* (Case No. 20-cv-372366), should be granted
24 pursuant to Rule 201.

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1 Dated: May 20, 2024

Respectfully submitted,

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